AGENDA

Meeting Type:	WORKSHOP
Date.	01/06/1997

City of Charlotte, City Clerk's Office

CHARLOTTE

Mayor Patrick McCrory *Mayor Pro Tem Al Rousso*

Charles Baker
Patrick Cannon
Malachi Greene
Mike Jackson
Nasif Rashad Majeed
Don Reid
Ella Butler Scarborough
Tim Sellers
Sara Spencer
Lynn Wheeler

Council Agenda

CITY COUNCIL WORKSHOP

Monday, January 6, 1997

5:00 p.m. Economic Development: Proposed 1997Annexation

6 00 p.m. Dinner

6:15 p.m. Proposed 2015 Plan Review Process

6:30 p.m. Transportation: Proposed Five-Year Transportation Plan

8 :30 p.m. 1997 Legislative Program

9:00 p.m. Adjourn

COUNCIL WORKSHOP
AGENDA ITEM SUMMARY

TOPIC: Annexation

COUNCIL FOCUS AREA Economic Development

KEY POINTS (Issues, Cost, Change in Policy):

- The Preliminary Annexation Report, a summary of annexation statistics, cost of providing services, and anticipated revenues for all proposed annexation areas, was submitted to City Council at the September 16, 1996 Dinner Meeting

- On September 24, 1996, City Council adopted Resolutions of Intent which described the boundaries of the seven areas under consideration and established a date for the public hearings

- Annexation Plans, describing how each area met the state requirements for annexation and how City services would be provided, were approved by City Council on October 7, 1996

- On November 14, 1996, City Council held annexation public hearings at which the annexation plans for each area were presented and persons, both of the proposed annexation area and the City, were given an opportunity to be heard

- At the January 6, 1997 Council Workshop, staff will conduct a discussion of the following items

  - An overview of annexation policies approved by Council in past annexations

  - A discussion of the general benefits of annexation with emphasis on the work of David Rusk, a recognized expert on urban issues, and on his presentation to Council at its November, 1994 retreat

  - A review of the impact of annexation policies upon police, fire protection, and water and sewer services which are being provided in a way that effectively assumes that the City will continue to annex qualified areas

- Examination of how the boundaries of the current annexation areas are affected by the City's general annexation policies

- A discussion of those issues raised during the public hearings about providing City services in the proposed annexation areas Letters to persons who raised questions at the public hearings have been sent Copies of the letters are available in the Council Library

- Identification and discussion of annexation boundary changes requested by speakers at the public hearing

- A discussion of contracting with private solid waste collection firms in the context of annexation or in the current competition process

OPTIONS:

- **BOUNDARY CHANGES:** Any boundary changes will need to made by January 13, 1997 in order to allow annexation ordinances to be adopted at the January 27, 1997 Council meeting Staff will need that information by January 13 in order to prepare any revised property descriptions and maps of the areas as well as evaluating any effects such changes may have on the qualification of the areas and on the plans for extending services and financing those services. This is not a final decision on whether or not to annex any area However, if any changes in the boundaries of any areas are considered which are not identified at the January 13 meeting, the date for adopting annexation ordinances may be delayed beyond January 27, 1997

- **SOLID WASTE CONTRACTING:** Should contracting with private solid waste collection firms be addressed as part of the annexation process or at the same time that the City is soliciting general proposals from private firms to provide solid waste collection services in another quadrant of the City? Under State annexation law, qualified firms who submit a timely request are entitled to 2-year contracts to continue operating in the annexation areas or, at the City's option, to an economic loss payment in a prescribed amount

COUNCIL DECISION OR DIRECTION REQUESTED:

- **BOUNDARY CHANGES:** Request Council to identify any specific changes which should be considered for any of the seven annexation areas at the January 13, 1997 Council dinner meeting

- **SOLID WASTE CONTRACTING:** Recommend to Council that all qualified firms receive an economic loss payment and that any consideration of contracting for solid waste collection be addressed in the current competition process, and not as part of the

annexation process

ATTACHMENTS:

- David Rusk Article
- Wayman Pearson Memo

CITY OF CHARLOTTE
CITY ATTORNEY'S OFFICE

MEMORANDUM

DATE January 3, 1997

TO Mayor and Council

FROM H Michael Boyd
Senior Deputy City Attorney

Richard Black
Strategic Planning Coordinator

RE Annexation Discussion at Council's January Workshop

During the Council's January Workshop, we will be leading a discussion on annexation from both the perspective of policy concerns and the perspective of drawing the boundaries of the seven areas currently proposed for annexation We will also address issues raised during the public hearings about providing City services in these areas Other topics to be addressed are

- Whether to contract with solid waste collection firms in the context of annexation at the same time that the City is soliciting general proposals from private firms to provide solid waste collection services in another quadrant of the City

- Whether any boundary changes should be made in any of the annexation areas This information will be needed by January 13, 1997, in order to allow annexation ordinances to be adopted at the January 27, 1997, Council meeting and to allow staff to evaluate the effects of the proposed change and prepare necessary changes in the annexation plans and ordinances

The policy review will discuss annexation policies which have been discussed with approval by Council in various contexts in past annexations These policies are

- Reviewing areas around the City on a regular basis to identify areas which qualify for annexation,

- Annexing qualified areas without regard to whether the expense of annexing an area exceeds the estimated revenues from the area, and

- Excluding large tracts of vacant property unless such property is needed for the entire area to qualify, or is surrounded by developed or developing property, or is needed for logical boundaries

The general benefits of annexation will be considered, with emphasis on the work of David Rusk, a recognized expert on urban issues, and on his presentation to Council at its November 1994 retreat A copy of an article prepared by Mr Rusk on this topic is attached

Certain City services are being provided in a way that effectively assumes that the City will continue to annex areas as they qualify Those services are water and sewer service, fire protection and police The impact of annexation policies upon those services will be reviewed

We will also examine how the boundaries of the current annexation areas are affected by the City's general annexation policies Letters to persons who raised questions at the public hearings have been sent Copies of those responses are available in the Council library Any additional questions which you may have will be addressed

Included in the material for the Workshop is a memo from Wayman Pearson describing his recommendation for responding to requests from private solid waste collection firms in the annexation areas Under State law, qualified firms who submit a timely request are entitled to 2-year contracts to continue operating in the annexation areas or, at the City's option, an economic loss payment in a prescribed amount Mr Pearson recommends that all qualified firms receive an economic loss payment and that any consideration of contracting for solid waste collection be addressed in the current competition process, and not as part of annexation

Finally, Council will be requested to identify any specific changes which should be considered for any of the seven annexation areas at the Council meeting of January 13, 1997 Staff will need that information by that date in order to prepare any revised property descriptions and maps of the areas as well as evaluating any effect such change(s) may have on the qualification of the areas and on the plans for extending services and financing those services This is not a final decision on whether or not to annex any area However, if any changes in the boundaries of any areas are considered which are not identified at the January 13th meeting, the date for adopting annexation ordinances may be delayed beyond January 27, 1997

If you have any questions, you can reach Mike Boyd at 336-4111 and Dick Black at 336-8314

HMB
Attachment

A View on ANNEXATION

North Carolina League of Municipalities, PO Box 3069, Raleigh, NC 27602-3069
Phone: 919-715-4000 Fax: 919-733-9519

Annexation = Strong Cities = Strong Regions

by David Rusk

There are many economic "hot" areas of the country Who is doing the best? Over the past several years, I have analyzed four decades of population, economic, and social statistics for all 522 central cities in the nation's 320 metropolitan areas I have spoken and consulted in over 50 communities Yet only last October did I try to measure objectively who is the best of the best, by comparing 24 of the most vigorously growing, larger metropolitan areas on a wide range of economic, social and fiscal indicators. The results are shown in Table 1 which ranks the top dozen highly "elastic" metropolitan areas

Table 1

1. Charlotte-Gastonia-Rock Hill NC SC
2. Raleigh-Durham-Chapel Hill NC
3. Greensboro-Winston-Salem-High Point NC
4. Lexington-Fayette County KY
5. Colorado Springs CO
6. Nashville-Davidson County TN
7. Oklahoma City OK
8. Albuquerque NM
9. Jacksonville-Duval County FL
10. Tulsa OK
11. Phoenix AZ
12. Anchorage AK

North Carolina boasts the three healthiest major metropolitan areas in the country! There are certainly many factors which contribute to this success North Carolina's interstate highways (in particular I-85) link its major cities to major markets like Atlanta and Washington, DC The state s long-term investment in higher education has yielded big dividends, particularly in the Research Triangle. State laws allowing statewide branch banking early led directly to Charlotte s emergence as the nation's third largest banking center But North Carolina's annexation laws, the nation's most progressive since 1959, have made a major contribution

How? Very simple Since World War II, all urban growth everywhere has occurred through low-density, suburban-style sprawl Urban America has grown not upward but outward "Elastic cities are able to expand through annexation They annex many new middle class subdivisions new shopping centers and malls, new office and industrial parks into their expanding city Elastic cities have more balanced populations expanding tax bases, and strong credit ratings

"Inelastic" cities, by contrast, are trapped within existing boundaries by bad annexation laws or are surrounded by already incorporated smaller municipalities Not only do inelastic cities not gain their share of new growth they also lose middle class residents retail business and office and factory sites to new suburban communities Poverty rates climb, fiscal crisis grows and credit ratings tumble.

Since 1959, North Carolina's annexation laws have allowed North Carolina s cities to annex much of their region's growth Table 2 shows how North Carolina's larger cities have expanded geographically.

Having strong expanding cities benefits their entire metro areas and their states in many ways

David Rusk is a former mayor of Albuquerque and New Mexico state legislator (chairman of House Ways and Means), who has consulted in over 50 metropolitan areas on urban problems His study of 40 years of population, economic, and social statistics of all 522 central cities in all 320 metro areas is summarized in his book, *Cities without Suburbs*, which has drawn much national attention.

Table 2

City	City Area in 1950 (in sq mi.)	City Area in 1990 (in sq mi.)	% Growth in City Area (1950-90)
Charlotte	30.0	174.3	481%
Raleigh	11.0	88.1	701%
Durham	13.2	69.3	425%
Greensboro	18.2	79.8	338%
Winston Salem	18.8	71.1	278%

1. In the emerging global economy, communities compete as whole economic regions whole metropolitan areas or what journalist-author Neal Peirce has called "citistates"[1] Peirce writes that "a citistate divided against itself will prove weak and ineffectual Political boundaries do not seal off problems of pollution solid waste disposal, transportation schools, inadequate infrastructure" – nor, most importantly, I would add, poverty

By providing cities with strong annexation powers North Carolina diminishes governmental fragmentation and under the leadership of strong central cities, allows urban areas to compete as more unified regions This has contributed significantly to the major urban areas success in North Carolina in raising real family income over the last four decades (Table 3)

Table 3
Growth in Real Median Family Income by Metro Area (1950-90)

Metro Area	Metro Real Family Income Growth
Raleigh-Durham-Chapel Hill NC	194%
Nashville-Davidson County TN	176%
Lexington-Fayette County KY	175%
Austin TX	167%
Memphis TN	157%
Charlotte-Gastonia-Rock Hill NC-SC	145%
Greensboro-Winston Salem- High Point NC	145%
Jacksonville-Duval County FL	145%
Dallas TX	143%
Phoeniz AZ	139%
San Jose CA	137%
Fort Worth TX	134%
National Metro Average	128%

2 A growing number of economists and sociologists assert that cities and suburbs are all highly interdependent parts of integrated regional economies whose overall competitiveness is dependent on the health of each jurisdiction[2] The higher the internal disparities by jurisdiction, by race, and by income group the less competitive the whole region becomes

The level of racial and economic integration is higher in metro areas with elastic cities at their core Expanding cities serve as an expanding arena of opportunity for minority residents By contrast, independent suburbs around inelastic cities often practice exclusionary zoning to keep out low-income residents, in particular, poor minorities. This results in a growing concentration of poverty in inner city neighborhoods, driving up unemployment, family breakdown and

[1] Neal R Peirce with Curtis W Johnson and John Stuart Hall *Citistates How Urban America Can Prosper in a Competitive World* (Washington, DC Seven Locks Press 1993)

[2] For example see H V Savitch et al, "Ties that Bind Central Cities Suburbs, and the New Metropolitan Region" *Economic Development Quarterly* (November 1993) Richard Vouth, "City and Suburban Growth Substitutes or Complements?" Business Review (Philadelphia PA. Federal Reserve Bank of Philadelphia September/October 1992), and William R Barnes and Larry C Ledebur *Local Economies. The U S Common Market of Local Economic Regions* (Washington DC National League of Cities August 1994)

Table 4

	Metro Residential Segregation Index	Black/ White Income Ratio	City Suburb Income Ratio
Elastic Cities			
Charlotte NC	53	62%	122%
Greensboro NC	61	65%	111%
Raleigh NC	48	56%	103%
Inelastic Cities			
Cleveland	85	55%	54%
Buffalo	82	47%	69%
Milwaukee	83	39%	62%

welfare dependency, addiction and crime The social costs of concentrated poverty (including the direct impact on state budgets) is very high

Table 4 compares North Carolina's three largest, highly "elastic metro areas with three, large highly "inelastic" metro areas [3] Cleveland and Buffalo were frozen within their 1950 city limits by surrounding suburbs, Milwaukee's annexations ended by 1970 It shows that, on a neighborhood-by-neighborhood basis North Carolina's more unified metro areas (i e , with highly elastic cities) are more racially integrated than the three highly fragmented metro areas (i e., with inelastic cities) which are highly segregated [4] The ratio of black family income to white family income is higher in more integrated metro areas than in more segregated metro areas And North Carolina s elastic cities have average incomes higher than their suburbs (i e an index of 103-122 percent) while the inelastic cities have income levels far below their suburbs (i e., 54-69 percent)

3 With their annexation powers elastic cities maintain growing tax bases and strong credit ratings Charlotte, Raleigh and Winston Salem have AAA bond ratings, Greensboro and Durham AA1, and High Point, AA By contrast, Cleveland and Buffalo have low BAA1 ratings, Milwaukee, which annexed new development up to 1970 still retains a AA rating. ***In fact, not a single major city which actively annexes new development has less than an A1 rating. All low bond ratings (i.e. BAA1 or lower) belong to central cities without annexation possibilities***

Fiscally healthy cities can generally pay for what they need from local taxes Fiscally sick cities are dependent on state and federal aid For example, "elastic," AAA-rated Charlotte was able to acquire the land, clear the site and build the necessary utilities for its 78,000-seat football stadium for the Carolina Panthers from local taxes By contrast, if "inelastic," BAA1-rated Cleveland is to retain the Cleveland Browns, it must rely on the Ohio state legislature to appropriate $130 million in state taxes to renovate Municipal Stadium

The anti-annexation policies of the Northeast and Middle West cripple central cities, balkanize local governance, and intensify racial and economic segregation ***North Carolina's progressive annexation laws are the nation's best urban policy.*** They promote fiscal strength racial progress, and vigorous regional economic growth In adopting the current annexation statutes in 1959, the North Carolina legislature acted with great foresight It should not weaken annexation policies which have played a crucial role in the state's pacesetting economic and social progress

[3] In this paper I have used North Carolina s three largest metro areas as examples However the comments apply to the state s smaller metro areas and non metropolitan urban areas as well Progressive annexation laws assure that urban areas will have strong healthy cities at their core State-imposed limitations on city annexation powers elsewhere almost always produce troubled core comunnities

[4] On a "dissimilarity index, 1 equals complete integration and 100 equals complete segregation

TO Mayor and Council

FROM Del Borgsdorf
Deputy City Manager

RE Recommendation on providing solid waste collection services in the 1997 annexation areas

Attached is a memo from Wayman Pearson recommending that the City should not consider contracting with private haulers to continue providing solid waste collection services in any of the annexation areas Instead, Mr Pearson recommends that the decision to provide such services through the public or private sector should be made as part of a formal competition effort for a portion of the entire City That recommendation would mean that BFI would serve any annexation area (Six Mile Creek West and portion of Steele Creek East) that would naturally fall within its service area, as extended CCC would provide service to all multifamily complexes utilizing dumpsters/compactors The Steele Creek areas (except for the portion to be served by BFI) would be served by the competitor who makes the best proposal in the current competition effort That competition process will be completed before June 30, 1997, the proposed effective date of annexation

The cost of this approach is detailed in Mr Pearson's attached memo and calls for total expenses in FY98 of $2,392,248 of which $1,749,233 is the one time cost of economic loss and capital outlay and $643,015 is the annual operating expense

Council will be asked during the January Workshop if this approach is acceptable If so, a resolution to pay economic loss to qualified haulers will be prepared for Council's adoption prior to the consideration of ordinances annexing the areas

c Wayman Pearson, KBE Solid Waste Services

CITY OF CHARLOTTE

SOLID WASTE SERVICES KEY BUSINESS

MEMORANDUM

(Revised 12/23/96)

TO Del Borgsdorf
Deputy City Manager

DATE December 18, 1996

FROM· Wayman J. Pearson
KBE, Solid Waste Services

SUBJECT. RECOMMENDATION FOR THE PROVISION OF SOLID WASTE COLLECTION SERVICE IN THE (1997) PROPOSED ANNEXATION AREAS

The City of Charlotte is proposing to annex the following areas on June 30, 1997

1 Davis Lake
2 Highland Creek
3 Beverly Crest
4 Six Mile Creek - East
5 Six Mile Creek - West
6 Steele Creek - East
7 Steele Creek - West

A. BACKGROUND:

In 1985, the General Assembly of the State of North Carolina approved legislation regarding the obligation of a municipality to provide refuse collection services to newly annexed areas A copy of the General Statute 160A 49.3 is Attachment I The legislation provides that a municipality must either contract for two years with firms providing refuse collection service in the proposed annexation area(s) or extend its own service into the area(s). In the latter case,

the municipality must pay "economic loss" to qualifying firms that currently provide service in those areas and lose their business as a direct result of the annexation "Economic Loss" is an amount equal to twelve times the average monthly revenue for the three month period prior to the passage of the Resolution of Intent

The legislation applies to firms of a particular size who lose business as a direct result of annexation That size is defined as 50 or more residential customers or a monthly average revenue from non-residential customers of $ 500 (five hundred dollars) or more during the 90-day period preceding the date of adoption of the Resolution of Intent

The Statute further requires that the municipality show a good faith effort to make available (by at least 20 days before the public hearing) a copy of the Resolution of Intent to each private company that currently provides solid waste collection services in the area(s) to be annexed Should a firm wish to contract with the City, it must make written request to the City Clerk at least ten days prior to the public hearing

B. PROCESS

The following steps have been taken in the solid waste business to ensure the City of Charlotte's compliance with State law governing annexations

1 On July 11, 1996, Solid Waste Services obtained a list, Attachment II, of refuse collection companies licensed to operate in Mecklenburg County The list was obtained from the licensing agency, Mecklenburg County Department of Health

2 On July 17, 1996, Solid Waste Services mailed an information package (Attachment III) to the 21 licensed private haulers in Mecklenburg County, advising them of the City's annexation plans Companies that might be impacted by the proposed annexation were requested to complete Summary Information and Impact Statement forms and return the information to the City in August, 1996.

3 During September and October, 1996, BSS/Internal Audit conducted audits of the financial and operational records of companies that had completed and returned the Impact Statements. BSS/Internal Audit also conducted a physical verification of customers listed on the Impact Statements There were minor discrepancies in the numbers of customers claimed by the haulers on the Impact Statements and the actual numbers serviced by the haulers The magnitude of discrepancy was significant only in the case of Browning-Ferris Industries who claimed 1,449 customers and actually service only 991 customers. A copy of Internal Audit's report is Attachment IV

4 On September 30, 1996, Solid Waste Services mailed a second package of information (Attachment V) to the 21 licensed private haulers in Mecklenburg County, advising

them that the City Council had adopted resolutions stating the intent of the City to consider the annexation of these areas This mailing included (i) copies of the Council's Resolutions of Intent for all the proposed annexation areas, (ii) information on the scheduled public hearing, and (iii) advice to the companies of their right to deliver a written request to the City Clerk for contract 10 days prior to the November 14, 1996, public hearing, if they want to be eligible for a service contract of an economic loss payment

5 On October 24, 1996, Solid Waste Services mailed a "reminder" (Attachment VI) to 14 of the 21 licensed private haulers who had not responded to the September 30, 1996, mailing

6 Eight private haulers submitted requests for contract/economic loss payment in a timely manner The companies are

Browning-Ferris Industries
Chambers Waste Systems
Container Corporation of Carolina
Jerry's Sanitation
K&S Sanitation
North Mecklenburg Sanitation
Southern Sanitation, Inc
Waste Management

Copies of the requests are Attachment VII

C. DETAILS OF THE ANNEXATION

Solid Waste Services conducted a physical verification of the addresses that would be eligible for collection services. Details are as follows

Area	Single Family Service Units	Multifamily Complexes
Davis Lake	1,057	1 (390) units
Highland Creek	2,052	1 (274) units
Beverly Crest	465	1 (266) units
Six Mile Creek - East	485	
Six Mile Creek - West	2,130	
Steele Creek - East	1,739	1 (240) units
Steele Creek - West	493	

Total	8,421	4 (1170) units

D. RECOMMENDATION FOR PROVIDING SERVICE IN THE PROPOSED ANNEXATION AREAS

(1) Pay Economic Loss To Qualified Private Haulers; (2) Offer Contracts In Specific Areas To The City's Current Contractors; and (3) City Crews Provide Service In Remaining Areas

The cost of this recommendation in FY98 is $ 2,392,248 of which $ 1,749,233 is the one time cost of economic loss and capital outlay and $ 643,015 is the annual operating expense Solid Waste Services is **not** recommending that service contracts be considered to any of the qualified private haulers in the context of annexation The City is in the process of soliciting competition proposals for another quadrant of the City That process is the best way for the City to evaluate the cost and efficiency of solid waste services being provided by public or private forces, regardless of how long the area to be served has been part of the City. Any hauler with whom the City contracts for solid waste services in an annexation area as a result of the current competition process will have the economic loss payment set forth below reduced to reflect that contract

Details are as follows·

- **Economic Loss:** **$ 809,908**

Davis Lake	Jerry's Sanitation	$ 30,324
	North Meck Sanitation	$ 118,393
	CCC	$ 0*
Highland Crk	Jerry's Sanitation	$ 55,932
	North Meck Sanitation	$ 158,916
	CCC	$ 0*
Beverly Crest	North Meck Sanitation	$ 44,275
	CCC	$ 0*
Six Mile Creek East	BFI	$ 35,916
	Chambers Waste	$ 17,808
Six Mile Creek West	BFI	$ 0*
	K&S Sanitation	$ 28,815
	North Meck Sanitation	$ 74,295
	Southern Sanitation	$ 61,440
Steele Creek East	BFI	$ 0*
	CCC	$ 0*

	K&S Sanitation	$ 26,501
	North Meck Sanitation	$ 60,911
	Southern Sanitation	$ 20,544
	Waste Management	$ 48,972
Steele Creek West	North Meck Sanitation	$ 26,866

* Offer Contract

- **Contract with Browning-Ferris Industries** **$ 147,387**
  to provide curbside solid waste collection service to units in the Six Mile West and Steele Creek East areas (approx 2,170 units).

  Contract with Container Corporation of Carolina **$ 46,254**
  to provide refuse and recyclables collection services to 4 multifamily complexes utilizing dumpsters/compactors

- **City crews provide curbside solid waste collection service to remaining 6,251 service units**

Operating Expense	**$ 449,374**
Capital Outlay	**$ 939,325**

BFI, CCC and city crews currently provide collection services in the City This recommendation will provide customers in the proposed annexation areas with the same level of service that is currently provided to city residential units.

Customer service requests and complaints would be handled by one agency, i.e. the Solid Waste Services Customer Service Center This recommendation will provide customers in the annexation areas with the same service level that is provided to current city residential units

cc: Pam Syfert, City Manager
Curt Walton, B&E
Julie Burch, BSS
Mike Boyd, Legal (with attachments)
Dick Black, Planning
Harry Graham, BSS/Internal Audit
Dee Pereira, SWS

97anxanl

COUNCIL WORKSHOP
AGENDA ITEM SUMMARY

TOPIC: *2015 Plan* Status Report

COUNCIL FOCUS AREA: The *2015 Plan* addresses issues in each of the five focus areas Community Safety, City Within A City, Restructuring Government, Transportation, and Economic Development

KEY POINTS (Issues, Cost, Change in Policy):

- The Planning Commission approved the draft *2015 Plan* on December 2, 1996

- The *Plan* is a big picture look at the future of the Charlotte-Mecklenburg community It is intended to provide a framework and direction which will guide decision making Specific action steps will be developed, within this framework, to address the identified community issues as part of the implementation of the *Plan*

- Community goals and objectives have been developed in seven areas
  - -Transportation
  - Land Use and Design
  - -Economic Development
  - -Education
  - -Parks and Open Space
  - -Neighborhoods
  - -Regionalism

OPTIONS: Council may consider the following as options for reviewing the *2015 Plan*

- Option #1 The Planning Liaison Committee, which includes representatives from City Council, County Commission, School Board and Planning Commission will take the lead on reviewing the Plan Committee members will forward recommendations on to their respective bodies
- Option #2 The Council's Economic Development and Planning Committee will review the Plan and forward a recommendation to Council
- Option #3 The full Council will review and act on the Plan

COUNCIL DECISION OR DIRECTION REQUESTED: Approval of a process for Council to review the *2015 Plan*

ATTACHMENTS: Review process flowchart, *2015 Planning For Our Future*

City Council Review Process for 2015 Plan

Planning Commission Recommendation

Option 1: The Planning Liaison Committee, which includes representatives from City Council, County Commission School Board and Planning Commission will take the lead in reviewing the 2015 Plan Committee members will be responsible for forwarding the Committee's recommendations onto their respective bodies

Planning Liaison Committee
Review

City-County Joint Public Hearing
Additional Public Input

Planning Liaison
Recommendation

City Council Vote
Approval of Plan and Direction for Implementationn

Department Work Programs
City Council review of work programs to include 2015 action steps

Status Reports
Planning Commission Annual monitoring/status reports on implementation of 2015 Plan

Option 2: City Council s ED and Planning Committee will be responsible for reviewing the 2015 Plan and forwarding on a recommendation to City Council

City-County Joint Public Hearing
Additional Public Input

ED & Planning Committee
Review and Recommendation to City Council

City Council Vote
Approval of Plan and Direction for Implementationn

Department Work Programs
City Council review of work programs to include 2015 action steps

Status Reports
Planning Commission Annual monitoring/status reports on implementation of 2015 Plan

Option 3 The full City Council will review and the Plan

City-County Joint Public Hearing
Additional Public Input

Review by Full City Council
Review

City Council Vote
Approval of Plan and Direction for Implementationn

Department Work Programs
City Council review of work programs to include 2015 action steps

Status Reports
Planning Commission Annual monitoring/status reports on implementation of 2015 Plan

COUNCIL WORKSHOP
AGENDA ITEM SUMMARY

TOPIC: Five-Year Transportation Plan

COUNCIL FOCUS AREA: Transportation

KEY POINTS (Issues, Cost, Change in Policy):

- On March 28, 1996, Mayor McCrory appointed a ten-member committee to
  1) review and reaffirm/revise the "Committee of 100's" recommendations,
  2) determine which of the "Committee of 100's" recommendations are the most feasible for implementation and develop a strategy to accomplish these,
  3) work with the State's Transit 2001 Commission to see if Charlotte's transit needs can be addressed in part by the Commission's proposals
- At the December 2, 1996 workshop, Council received reports from
  1) Charlotte Department of Transportation (CDOT) staff on Charlotte's transportation system and transportation/land use challenges, and
  2) "Committee of 10" Chairperson Johnsie Beck on consensus conclusions drawn from her September discussions with Councilmembers on transportation priorities and potential funding sources
- At the January 6 workshop, CDOT staff and the "Committee of 10" will present a five-year transportation plan for Council discussion

OPTIONS: Not applicable

COUNCIL DECISION OR DIRECTION REQUESTED: Council is asked to review and discuss recommendations for a Five-year Transportation Plan The plan will be a major topic of discussion at Council's retreat in late January Council may also wish to consider endorsing the Governor's Transit 2001 Commission recommendations and adding them to the City's legislative package

ATTACHMENTS: None

COUNCIL WORKSHOP
AGENDA ITEM SUMMARY

TOPIC: 1997 N C Legislative Program

COUNCIL FOCUS AREA: Economic Development, Public Safety, and Transportation

KEY POINTS (Issues, Cost, Change in Policy):

The following process was used to assemble the proposed legislative agenda for our Mecklenburg Delegation.

- In early November we requested Key Business Executives, the Mayor and Council, and other key staff to submit for Council's consideration items to be included in our '97 legislative package Key Businesses were requested to list the justification of need, outside agencies impacted by the request, brief history of the request, and other information related to the request

- The proposed legislative agenda is attached

- At the Monday, January 6 workshop, Council will be asked to discuss and approve the legislative package The approved package will be submitted to our Delegation at the January 14 breakfast meeting

- We will ask Council members to contact individual legislators and assist in pursuing the approval of our package in Raleigh The first step after our Delegation breakfast will be interaction with the Southern Piedmont Legislative Caucus at the January 23 Carolinas Urban Coalition dinner

OPTIONS: Approve, add and/or delete legislative items

COUNCIL DECISION OR DIRECTION REQUESTED: Finalize legislative requests for submittal to Mecklenburg Delegation

ATTACHMENTS: Legislative Package Proposals

SUMMARY
PROPOSED LOCAL INITIATIVES

CDOT Submittals

- Hold towed vehicles for payment of parking penalties at time of pick-up
- Authorize the City of Charlotte to consider a parking violation for each hour that the violation occurs
- Change the City's municipal city-wide speed limit from 35 MPH to 25 MPH
- Allow video or photographic image as prima facie evidence of a traffic violation Recommend a $25 penalty on the owner of a motor vehicle which is photographed or video taped making a violation
- Allow left turns on red after stop from a one-way street to another

Fire Department Submittals

- Require installation of sprinklers in college dorms
- Provide authority for authorized fire personnel to issue parking citations for fire lane violations and for parking too close to a fire station entrance

Police Submittals

- Amend state statute to allow law enforcement personnel to share communicable disease information on a need to know basis
- Amend state statute to allow local police officers to inspect ABC licensed premises

Additional Priorities

- Annexation Preservation
- Reauthorization of Drug Court Funding and Funding for Additional Assistant District Attorneys
- Transit Funding Increases and Approval of the Governor's 2001 Committee Report

LEGISLATIVE ATTACHMENTS

LEGISLATIVE PACKAGE PROPOSALS

CHARLOTTE
DEPARTMENT OF TRANSPORTATION
REQUESTS

City of Charlotte's 1997 North Carolina Legislative Agenda

Department Department of Transportation

Legislative Request Holding Vehicles for Payment of Parking Penalties

Justification of Need If a vehicle is towed for a parking violation, the vehicle owner can get the vehicle back by paying the towing fee but not the parking penalty This has created a situation where several hundred thousand dollars is owed to the City, and it is very difficult and expensive to collect Some of those owing the City live out-of-state but commute daily and receive frequent parking tickets with little deterrence This is all part of a new effort to manage onstreet parking, and will become especially critical as onstreet parking is expanded in the coming year

Council Policies Impacted: Parking Ordinance

Other Agencies Impacted Finance Department, Budget Department - Collections will be improved

Has the request been made before? No

What are the consequences if not approved? It will be more difficult to expand onstreet parking.

Has proposed legislation been drafted? Yes, add as a local bill - new Section 6 24 of the City Code

Any vehicle towed by the City for parking violations under this article shall not be released until the penalties for all outstanding citations, plus any additional penalties and interest, are paid to the city in full, or a bond is posted in the amount of penalties outstanding, pending a hearing to be scheduled.

City of Charlotte's 1997 North Carolina Legislative Agenda

Department Department of Transportation

Legislative Request Authorize the City of Charlotte to consider a parking violation for each hour that it occurs

Justification of Need Motorists, especially those in commercial vehicles, are sometimes willing to take a single ticket as a cost of doing business, even though the standard fine is $25 This is part of the City's effort expand and manage onstreet parking Raleigh and Greensboro already have the authority to issue multiple tickets

Council Policies Impacted Parking Ordinance

Other Agencies Impacted None

Has the request been made before? No

What are the consequences if not approved? Citation penalties made need to be increased, or towing may need to be more aggressive Both are not customer friendly

Has proposed legislation been drafted? Yes, below is a revision to Raleigh's ordinance Add to City Charter as Section 6 25

The City of Charlotte shall have the authority to classify each additional hour that a vehicle remains parked beyond the legal time limit for the parking area where said vehicle is parked as a separate offense

City of Charlotte's 1997 North Carolina Legislative Agenda

Department· Department of Transportation

Legislative Request Change the City's municipal city-wide speed limit from 35 MPH to 25MPH This could either be a local or a statewide bill

Justification of Need City Council has a Neighborhood 25 MPH Speed Limit Policy Since 1983, the City has on a largely routine basis lowered the speed limit on 600 streets, about 10% of the City's streets The City would have a significant savings by having a citywide lowered limit, citizens would not be required to make major efforts to get the lower limits, and compliance speed limit might be improved

Council Policies Impacted Neighborhood Traffic Program

Other Agencies Impacted None

Has the request been made before? *Yes*

What are the consequences if not approved? Staff will continue to use extra time and resources to implement the lowered speed limit on a piece-meal basis

Has proposed legislation been drafted? Either G S 20-141(b)(1) would need to be amended, or a section added to Chapter 6 of the City Charter, depending on whether it is a local bill or not

City of Charlotte's 1997 North Carolina Legislative Agenda

Department Department of Transportation

Legislative Request Video or photographic image as prima facie evidence of a traffic violation Recommend a $25 penalty on the owner of a motor vehicle which is photographed or video taped making a violation

Justification of Need The Police Department has limited resources to enforce traffic regulations, and yet the impact of unsafe driving, i e , accidents, is as great as the impact of criminal acts Advances in technology now permit remote imaging of vehicles Several states, as well as a number of countries internationally now have video enforcement

Council Policies Impacted Public Safety Program

Other Agencies Impacted Police Department

Has the request been made before? No

What are the consequences if not approved? Enforcement of traffic violations will continue to be less than is needed to improve public safety

Has proposed legislation been drafted? No

City of Charlotte's 1997 North Carolina Legislative Agenda

Department Department of Transportation

Legislative Request Allow left turns on red after stop from a one-way street to another

Justification of Need North Carolina is one of the few states that do not permit this movement This provision would help to move traffic more efficiently

Council Policies Impacted None

Other Agencies Impacted None

Has the request been made before? Yes

What are the consequences if not approved? Many visitors to our City can be seen making this illegal move, since it is legal in most states If not approved, they would continue to violate the law and may be ticketed Also, traffic will continue to be moved less efficiently

Has proposed legislation been drafted? No

FIRE DEPARTMENT
REQUESTS

CHARLOTTE FIRE DEPARTMENT
1997 LEGISLATIVE PACKAGE PROPOSAL

REQUEST NO 1

DEPARTMENT Fire Department

LEGISLATIVE REQUEST Local Act for authority to adopt an ordinance to authorize fire department personnel to regulate and enforce, whether on public or private property, parking in a fire land, within 15 feet of a fire hydrant, and within 20 feet of a fire station driveway Enforcement through issuance of citations only

JUSTIFICATION OF NEED The City of Charlotte currently has thirty fire stations, seventy-eighty-two designated fire lanes and over 8,000 fire hydrants located within its corporate limits Unlawful motor vehicular parking is a persistent problem whenever routine or emergergency fire department response is required State law currently limits enforcement of these types of parking violations to police officers Fire Department personnel frequently encounter these types of violations and have to request police assistance in order to address them This requires time to wait on police who are busy addressing other law enforcement matters. Sworn Fire Department Officers and Fire Inspectors currently issue citations for violations of the City and State fire codes These citations range in amount from fifty to five-hundred dollars, depending on the type of violation Fire Department personnel are capable of enforcing parking violations which have a direct impact on their ability to effectively respond to the fire and life safety emergencies of its citizens Such enforcement will allow police officers to address other law enforcement concerns Fire Department enforcement will include issuance of citations only and not towing of vehicles

COUNCIL POLICIES IMPACTED BY REQUEST This year, City Council adopted an ordinance allowing the Police Chief to empower the Fire Department to issue citations as enforcement of existing local ordinances for parking near a fire hydrant or a fire station driveway There is not local ordinance regarding parking in a fire lane If the Local Act is adopted, then Council would need to consider adopting an ordinance which sets forth the various parking violations and that the Fire Department would enforce the regulations by issuing citations

IMPACT OUTSIDE OF REQUESTING KBU The Police Department would be affected by the adoption of an ordinance which allowed the Fire Department to issue citations for these parking violations by virtue of the fact that the police are the ones who can issue the citations now However, in light of recent empowerment by the Police Chief to the Fire Department to issue citations, it does not appear that there will be any substantive change in roles, except it may relieve the police officers of some of the workload Note that the Fire Department is not requesting exclusive rights of enforcement, rather, it wants joint rights of enforcement along with the police department

HISTORY OF REQUEST There used to be a local act for the City of Charlotte which set the

fines for parking in a fire lane at $3 00 and $10 00 However, that local act was recently repealed

at the City's request There has been no previous request for authority to adopt a local ordinance regulating the violation and its enforcement

CONSEQUENCES IF REQUEST NOT GRANTED The fire department will be limited to issuing citations for parking near a fire hydrant and near a fire station driveway This ability will remain linked to the police department's empowerment Fire department personnel will not be able to issue citations for parking in a fire lane, and the police department does not have the ability to empower the fire department to issue citations for that type of violation

DRAFTING OF PROPOSED LEGISLATION Proposed legislation is currently being drafted by the City Attorney's office

REQUEST NO 2

DEPARTMENT Fire Department

LEGISLATIVE REQUEST Local Act for authority to adopt a local ordinance requiring the installation of sprinkler systems in fraternity and sorority houses

JUSTIFICATION OF NEED Six fires have occurred in fraternity and sorority houses in Charlotte since 1990 Two fraternity houses were totally destroyed One of those houses was rebuilt at another location with a sprinkler system and a fire alarm installed The six fires caused injuries to civilians and fire fighters, made persons homeless, and resulted in over $400,000 in fire loss The catastrophic Chapel Hill fraternity house fire which occurred on May 12, 1996, resulted in five deaths and is an example of the fire and life hazards to which persons in these occupancies are subjected

Sprinkler protection is needed in these occupancies because they

- have varying numbers of people living in them or visiting at different times,
- frequently have limited or no supervision,
- tend to be older buildings which were not built to meet current fire safety standards,
- are in frequent and active use, which often exceeds a safe occupancy limit,
- tend to have a social atmosphere which may include occupants with impaired reactions, and
- are the site of a mixture of activities and of a variety of materials including combustible materials such as furniture, curtains, paper, etc as well as multiple potential ignition sources such as small electrical appliances, candles, smoking materials, etc

Current sprinkler systems are designed to activate during the initial stages of a fire, thereby protecting life and property They are commonly used to protect people in occupancies where rapid egress in an emergency is not always practical These systems can be installed at approximately $2 00 - $3 00 per square foot of floor area

IMPACT ON COUNCIL POLICIES None

IMPACT OUTSIDE OF REQUESTING KBU There will be a financial impact on the occupancies effected by the ordinance However, the impact will be lessened due to a designated time frame over a number of years for compliance

HISTORY OF REQUEST None

CONSEQUENCES OF REQUEST NOT GRANTED Due to the nature of these occupancies, the City will continue to experience significant fires which will result in property damage, personal injury and loss of life

DRAFTING OF PROPOSED LEGISLATION Proposed legislation is currently being drafted

by the City Attorney's office

CHARLOTTE FRATERNITY/SORORITY HOUSES

QUEENS COLLEGE

Five sororities affiliated with Queens College All located on campus

Chi Omega Sorority/Faculty House 1900 Selwyn Av 0007
3000 square feet, no fire alarm, no sprinkler system, 38 years old, 40-45 tenants

Pi Kappa Phi/Phi Nu Sororities 1900 Selwyn Av 0008
3000 square feet, no fire alarm, no sprinkler system, 38 years old, 40-45 tenants

Alpha Delta Pi/Kappa Delta Sororities 1900 Selwyn Av 0009
3000 square feet, no fire alarm, no sprinkler system, 38 years old, 40-45 tenants

UNCC

Six sororities on campus All are housed in the same college dormitory and are assigned to a certain floor Alpha Delta Pi-8th floor, Chi Omega-11th floor, Delta Zeta-9th floor, signa Kappa-10th floor, sigma Nu (fraternity)-6th floor, and Zeta Tau Alpha-7th floor

There are three off-campus fraternity houses located in the city

Lambda Chi Alpha 10929 Bonnie Cone Lane
5000 square feet, fire alarm, fully sprinklered, 17 tenants

Kappa Sigma 725 E Mallard Creek Church Rd
2000 square feet, no fire alarm, no sprinkler system, 7 tenants

Chi Phi 732 E Mallard Creek Church Rd
3000 square feet with ½ basement, no fire alarm, no sprinkler system, 9 tenants

JOHNSON C SMITH UNIVERSITY

No fraternity/sorority houses on or off campus

POLICE DEPARTMENT REQUESTS

MEMORANDUM

DATE November 19, 1996

TO. Dennis E Nowicki, Chief of Police

FROM· J Bruce McDonald, Police Attorney

SUBJECT: Request for Legislation

Attached is a copy of proposed legislation to add a law enforcement exception to the confidentiality requirement in G S 130A-143 regarding communicable disease information

1 DEPARTMENT Police

2 LEGISLATIVE REQUEST An amendment to a state statute to allow law enforcement personnel to share communicable disease information on a need to know basis

3 JUSTIFICATION OF NEED G S 130A-143 sets forth a strict confidentiality requirement with respect to information regarding communicable diseases (AIDS, HIV, Hepatitis B, etc) There are several exceptions to the confidentiality requirement in the statute However, not included is an exception for communication by and between law enforcement and emergency services personnel, who often encounter individuals infected with various diseases The proposed legislation would provide such an exception so that this important information can be shared on a need to know basis

4 COUNCIL POLICIES IMPACTED BY THE REQUEST None

5 INDIVIDUALS/AGENCIES OUTSIDE THE KBU THAT MAY BE IMPACTED THE REQUEST None

6 HAS THE REQUEST BEEN MADE BEFORE? No

7 WHAT ARE THE CONSEQUENCES IF THE REQUEST IS NOT GRANTED? Law enforcement personnel will continue to be precluded from sharing important communicable disease information when confronted with at risk situations

8 HAS THE PROPOSED LEGISLATION BEEN DRAFTED? Yes See attachment

PROPOSED AMENDMENT TO N.C.G.S. 130A-143

130A-143. Confidentiality of records.

All information and records, whether publicly or privately maintained, that identify a person who has AIDS virus infection or who has or may have a disease or condition required to be reported pursuant to the provisions of this Article shall be strictly confidential This information shall not be released or made public except under the following circumstances

. . . . . .

(12) Release is made to or by personnel of a law enforcement agency acting in the discharge of their official duties and is made for the purpose of preventing or controlling the spread of a communicable disease or communicable condition Law enforcement personnel shall communicate such information only to other law enforcement or emergency services personnel Notwithstanding the provisions of any other general statutes, any such information is strictly confidential and shall not be considered a public record

MEMORANDUM

To: Dennis E Nowicki
Chief of Police

From: Pamela P Baker
Police Attorney

Subject: Legislative Proposal for Inspection of ABC Licensed Premises

Date: November 19, 1996

The following proposal is submitted for presentation as part of the City of Charlotte's legislative request for the 1997 General Assembly's Session

1. **Department:** Police Department

2. **Legislative Request:** Amends N C G S 18B-501 (f) to allow local police officers to inspect ABC licensed premises

3. **Justification of Need:** In the past, the North Carolina General Statutes allowed local police officers to inspect licensed premises to insure they were in compliance with the administrative rules adopted by the ABC Commision as well as the enforcement of the relevant General Statutes The statute was amended about 15 years ago to delete the authority for entry and inspections of ABC licensed premises by local law enforcement officers It would greatly enhance the ability of community police officers to control crime in neighborhoods if they were able to enter and inspect the private clubs and bars within their patrol areas without having to rely on the availability of a state officer with inspection authority

4. **Council policies impacted:** Strengthens the Council's commitment to community policing

5. **Other individuals/agencies that may be impacted:** May provide assistance to the City tax office A business with an ABC permit must maintain the required state and local revenue licenses Providing additional law enforcement officers for administrative inspections will increase the number of businesses examined for permit violations including whether they are maintaining a current local business license

6. **History of Request:** The City of Charlotte has proposed similar changes to the

statute in the past but not as a local bill applicable only for Mecklenburg County The City of Greensboro has similar language in a local bill ratified by the North Carolina General Assembly on July 3, 1986

7. **Consequences if the request is not granted:** If the request is not granted the local police will have to continue to relying on State ABC or ALE officers for administrative inspections With the number of alcohol establishments increasing in Charlotte more officers are needed to assist with inspections

8. **A draft of the proposed legislation is attached.**

AN ACT TO ALLOW THE MECKLENBURG COUNTY ALCOHOLIC BEVERAGE CONTROL BOARD TO PROVIDE ITS OWN LAW ENFORCEMENT PERSONNEL AND TO CONTRACT FOR ADDITIONAL LAW ENFORCEMENT SERVICES

The General Assembly of North Carolina enacts

Section 1 G S 18B-501(f) is rewritten to read

"(f) Contracts with Other Agencies Instead of, or in addition to, hiring local ABC officers, a local board may contract ~~to pay its enforcement funds to a~~ with a sheriff's department, city police department, or other local law enforcement agency for enforcement of the ABC laws within the law enforcement agency's territorial jurisdiction Enforcement agreements may be made with more than one agency at the same time When such a contract for enforcement exists, the officers of the contracting law-enforcement agency shall have the same authority to inspect under G S 18B-502 that an ABC officer employed by that local board would have. If a city located in two or more counties approves the sale of some type of alcoholic beverage pursuant to the provisions of G S 18B-600(e4), and there are no local ABC boards established in the city and one of the counties in which the city is located, the local ABC board of any county in which the city is located may enter into an enforcement agreement with the city's police department for enforcement of the ABC laws within the entire city, including that portion of the city located in the county of the ABC board entering into the enforcement agreement

Payments, if any, received by a contracting agency for furnishing law enforcement services shall be in addition to any profits allocated to local governments derived from sale of alcoholic beverages "

Sec 2 This act shall apply only to the Mecklenburg County Alcoholic Beverage Control Board

Sec 3 This act is effective upon ratification